

The Commonwealth of Massachusetts



A. A. JACKSON
COMMISSIONER

Department of Revenue

Lowell Saltonstall Building,

100 Cambridge Street, Boston 02204

April 6, 1983

("Company") intends to sell gold coins for delivery to Massachusetts purchasers. You inquire whether such sales will be subject to the Massachusetts sales or use tax.

The sales and use taxes are imposed with respect to sales of tangible personal property (G.L. c. 64H, s. 2; G.L. c. 64I, s. 2). "Tangible personal property" is defined in General Laws Chapter 64H, Section 1(15) as

"personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth, but shall not include rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership."

Based on the foregoing, it is ruled that sales of gold coins, such as Krugerrands and Maple Leafs, the value of which depends upon their gold content, are sales of tangible personal property rather than exchanges of currency. Therefore, sales of such coins for delivery in Massachusetts are subject to the Massachusetts sales or use tax.

Very truly yours,

A handwritten signature in dark ink, appearing to read "A. A. Jackson".

Commissioner of Revenue

IAJ:JXD:mf

LR 83-28